

REMARKS

Claims 1-21 are all the claims pending in the application. Claims 1 and 4 have been amended. Claims 2, 3, and 6 have been cancelled without prejudice or disclaimer, and their subject matter has been incorporated into claim 1. This Response, submitted in reply to the Office Action dated October 21, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Objections to the Specification

The Examiner has objected to the specification based on certain informalities. Specifically, the Examiner asserts that the language “[w]hen the ratio (h/w) is 0.8 or **more**, the effects of the present invention can be sufficiently achieved. On the other hand, when the ratio (h/w) is 3.0 or **lower**, the obtained gasket tends to become uncollapsible when compressed and, therefore, is free from sealing problems” on lines 2-5 of page 12 seems to be incorrect because it describes the claimed range.

The relevant portion has been amended herein to address the Examiner’s concern. Specifically, the specification has been amended herein to indicate that the separate sentences are not contradictory, but instead describe possible benefits achieved by the claimed range.. Applicant respectfully submits that this amendment fully addresses the Examiner’s concerns and respectfully requests that this objection be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly based on a disclosure which is not enabling. Specifically, the Examiner asserts that curing the extruded

gasket material on the cover before joining with the hard disk is critical or essential to the practice of the invention, but is not included in the claims and is not enabled by the disclosure. Further, the Examiner notes that the specification discloses that gasket material is cured on the cover member almost immediately after extrusion. Applicant respectfully submits that the Examiner's assertions are improper.

No section of the specification recites or indicates that it is critical or even necessary that the gasket material be cured on the cover prior to joining with a case. Further, as the Examiner acknowledges, the specification indicates that it is important that the gasket material be cured. *See*, for example, pages 13-16. The specification also teaches that if a multi-stage gasket is being formed, the first stage should be cured prior to the second stage being extruded. *See*, for example, pages 6-7. These preferred curing steps are also recited in the claims. Thus, Applicant requests that the Examiner withdraw these rejections as there is no recitation that it is critical or essential that the gasket be cured prior to joining with a case, and the specification and claims plainly recite curing steps. Further, if the Examiner elects to maintain this rejection, Applicant respectfully requests that the Examiner provide explicit support for the assertion that it is critical or essential that the gasket material be cured on the cover prior to joining with a case.

Claims 1-20 also stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner asserts that the recitation "a process for producing a gasket for hard disc equipment which is integrated with a cover" in claim 1 is indefinite because it is not clear whether the gasket is integrated with the cover member or the cover member is integrated with the hard disk drive through the gasket. Claim 1 has been amended herein to recite "[a] process for producing a gasket, said gasket being integrated with a cover member for

hard disc electronic equipment”. Applicant respectfully submits that this amendment fully addresses all of the Examiner’s concerns and therefore requests that this rejection be withdrawn.

Double Patenting

Claims 1 and 9-19 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6, 8-11 of U.S. Patent No. 7,044,475 (henceforth “the ‘475 Patent”). Further, claims 2-6 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6, and 8-11 of the ‘475 patent in view of Kawabuchi et al. (U.S. 5,945,463). Further, claims 7-8 and 20 stand rejected on grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6, 8-11 of the ‘475 patent in view of Wakamatsu (JP 2001-182836 A).

Merely as a path of least resistance, and without agreeing to the double patenting rejection, Applicant submits herewith a terminal disclaimer relative to US Patent 7,044,475. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim Rejections

The following are the bases of rejection as set forth in the Non-Final Office Action of October 21, 2008:

1. Claims 1, 9, 11-18 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, alternatively, under 35 U.S.C. § 103(a) as allegedly obvious over Watanabe et al. (JP 2001-225392A).
2. Claims 2-6 and 10-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al.
3. Claims 1-6 and 11-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kawabuchi et al. (U.S. 5,945,463).
4. Claims 1-8, 16-17, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wakamatsu (JP 2001-182836 A).

5. Claims 7-15 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawabuchi et al. or Watanabe et al., as applied above, further in view of Wakamatsu.
6. Claims 8-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawabuchi et al or Wakamatsu, as applied above, further in view of Watanabe et al.
7. Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe et al or Wakamatsu, as applied above, further in view of Kawabuchi et al.

Claim 1

Claim 1 recites, *inter alia*:

A process for producing a gasket, said gasket being integrated with a cover member for hard disc equipment, by extruding a gasket material from an extrusion orifice of a three-dimensional automatic coating controlling apparatus onto the cover member and then curing the extruded gasket material...

wherein the gasket material is extruded from the extrusion orifice of the three-dimensional automatic coating controlling apparatus to form a first-stage gasket, and then the gasket material is further extruded on the first-stage gasket to obtain a multi-stage gasket,

wherein the first-stage gasket is cured after formation thereof but before formation of the subsequent-stage gasket, and

wherein the multi-stage gasket includes an n-stage gasket(n is an integer of 2 or more), which has any of a circular shape, a semi-circular shape, an elliptical shape and a semi-elliptical shape in cross section thereof, and **a center of a cross section of the n-stage gasket is offset from a center of a cross section of the (n-1)-stage gasket** outwardly relative to a center of the cover member.

Watanabe Reference

As discussed above, claim 1 has been amended herein to include the subject matter of claims 2, 3, and 6, which were cancelled without prejudice or disclaimer. In the Office Action of October 21, 2008, the Examiner acknowledged that Watanabe did not explicitly teach the features of claims 2, 3, and 6, but instead asserted that it is a well-known principle to reapply a coating composition to achieve a desired thickness of a final coating. Thus, the Examiner asserts that it would have been obvious to reapply gasket material to provide a desired thickness. As the

Examiner has not provided specific support for this position, Applicant submits that it is improper.

Watanabe teaches that the thickness desired by inventor can be achieved by application of a single stage gasket layer, thus the Examiner's assertion that it would be obvious to apply multiple layers is improper, absent a further showing that that Examiner's statement is commonly known. Further, even assuming *in arguendo*, it is commonly known to reapply gasket material as the Examiner asserts, claim 1 describes **the stages of the multi-stage gasket having particular geometries, and the center of the cross section of each successively applied stage is offset outward of the previously applied stage**. An exemplary embodiment of this structure is shown in Fig. 2, for example, of the present application. As discussed in the specification, this claimed structure allows for improved sealing and reduced wear in the rotation of the disks.

The Examiner has provided no justification why this specific claimed structure would be obvious to a person of ordinary skill in the art. Therefore, Applicant respectfully submits that claim 1 is patentable for at least this reason. Further, Applicant respectfully submits that all claims dependant upon claim 1 are patentable at least by virtue of their dependency.

Wakamatsu Reference

In rejecting the present claims based on Wakamatsu, the Examiner asserts that Wakamatsu teaches a two stage gasket produced by extruding gasket material onto previously applied gasket material and refers to Fig. 18(B). While Wakamatsu may show a two stage gasket formed by successive applications of gasket material, Wakamatsu does not teach or even suggest the center of the cross section of a subsequent stage being outwardly offset from the center of the

cross section of a previous stage. Instead, Fig. 18B clearly shows that the centers of the cross section are all aligned. Therefore, Wakamatsu does not teach or even suggest “the multi-stage gasket includes **a center of a cross section of the n-stage gasket is offset from a center of a cross section of the (n-1)-stage gasket outwardly relative to a center of the cover member**” as claimed. Therefore, Applicant respectfully submits that claim 1 is patentable over Wakamatsu for at least this reason. Further, Applicant also submits that all claims dependant upon claim 1 are patentable at least by virtue of their dependency.

Kawabuchi Reference

In rejecting the present claims based on Kawabuchi, the Examiner does not address the features of claims 2, 3, and 6, which have been incorporated into claim 1. Therefore, Applicant respectfully submits that Kawabuchi does not teach or even suggest these features and further submits that claim 1 is thus patentable over Kawabuchi reference for at least this reason. Further, Applicant submits that all claims dependant upon claim 1 are patentable at least by virtue of their dependency.

Watanabe, Wakamatsu, and Kawabuchi

As discussed above, each of the applied references fails to teach the features of claim 1. Applicant further submits that these applied references also do not teach the claimed features even when combined. For all the reasons set forth above, Applicant respectfully requests that the rejection of claim 1 and all claims dependant thereon be withdrawn.

Claim 19

Claim 19 recites “the activation energy ray irradiation apparatus is an ultraviolet light irradiation apparatus, and an irradiation outlet thereof is moved in association with the extrusion orifice of the three-dimensional automatic coating controlling apparatus”. In rejecting this claim, the Examiner acknowledges that Watanabe and Wakamatsu fail to teach or even suggest the features claimed therein.

However, the Examiner asserts that Kawabuchi does teach these claimed features. Specifically, the Examiner asserts that Kawabuchi teaches an irradiation apparatus being moved in association with the extrusion orifice. Applicant respectfully submits that the Examiner has misconstrued the Kawabuchi reference.

Kawabuchi describes a driving robot 1, which moves the dispenser 3, which is connected to a tube 2 for supplying a composition curable by ultraviolet light. Kawabuchi also teaches an ultraviolet irradiating apparatus, but this apparatus is not shown in any of the figures and is not described as being moved by the driving robot 1. Thus, Applicant submits that Kawabuchi does not teach “an ultraviolet light irradiation apparatus, and an irradiation outlet thereof is moved in association with the extrusion orifice of the three-dimensional automatic coating controlling apparatus”. Therefore, Applicant submits that claim 19 is patentable over the Kawabuchi reference for at least this reason. Further, as the Examiner has acknowledged, none of the other applied references appear to cure this deficiency. Therefore, Applicant respectfully submits that claim 19 and all claims dependant thereon are patentable over the applied references for at least this reason.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/508,937

Attorney Docket No.: Q83622

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 21, 2009

/Michael C. Jones/
Michael C. Jones
Registration No. 63,266